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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92046807
Party	Defendant Danone Waters of America, Inc.
Correspondence Address	Scott E. Thompson Greenberg Traurig LLP 200 Park Ave Fl 34 New York, NY 10166 UNITED STATES nytmdkt@gtlaw.com, thompsonse@gtlaw.com, nodam@gtlaw.com
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Daniel I. Schloss
Filer's e-mail	schlossd@gtlaw.com, nytmdkt@gtlaw.com, thompsonse@gtlaw.com, nodam@gtlaw.com
Signature	/Daniel I. Schloss/
Date	09/08/2009
Attachments	92046807ExtConsent.pdf (3 pages)(72283 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 2,523,167

FIJI WATER COMPANY LLC, and)	
PARAMOUNT INTERNATIONAL EXPORT, LTD.)	
)	
Petitioners,)	
)	
v.)	Cancellation No. 92046807
)	
DANONE WATERS OF AMERICA, INC.)	
)	
Registrant.)	
)	

MOTION ON CONSENT TO EXTEND TIME TO ANSWER

Registrant Danone Waters of America, Inc. hereby moves with the consent of Petitioners Fiji Water Company LLC and Paramount International Export, Ltd. to extend **by thirty (30) days until October 9, 2009** the time for Registrant to file its Answer in this proceeding, with the subsequent discovery and trial dates to be reset accordingly. This extension is requested for purposes of discussing settlement and not for purposes of delay.

In compliance with the Board's Order of February 12, 2009 requiring a detailed report on the progress of settlement discussions, Registrant hereby advises as follows. The undersigned firm appeared as counsel for Registrant on August 10, 2009. Since that time, Petitioners' outside counsel, Doug Masters, spoke with Registrant's outside counsel, Scott Thompson, and relayed Petitioners' comments on the draft settlement agreement that the parties had drafted and exchanged.

Thereafter, Mr. Thompson advised in-house counsel for Registrant of Petitioners' comments on the draft agreement. Registrant's in-house counsel then attempted to discuss

the settlement with the relevant internal decisions makers at Registrant, but given the late August timing, the decision makers and those with the relevant business information needed to respond to Petitioners were on vacation or otherwise unavailable to respond. However, to advance settlement discussions as much as possible, the Registrant's in-house counsel, Nancy Dowling, had a telephone conversation with Petitioners' in-house counsel, Douglas Sugimoto.

The next step is that a meeting between counsel for Registrant and decision-makers at the parent company of Registrant in Switzerland to discuss the proposed settlement is scheduled for the second week of September 2009. It is therefore anticipated that further significant progress toward settlement will be made by the end of September 2009. In the event that the parties require additional time beyond that point, they will provide the Board with a further detailed status update.

Respectfully submitted,

Dated: September 8, 2009

GREENBERG TRAURIG, LLP

By: 

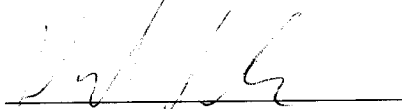
Scott E. Thompson, Esq.
Daniel I. Schloss, Esq.
Masahiro Noda, Esq.

200 Park Avenue, 34th Floor
New York, New York 10166
Attorneys for Registrant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 8, 2009, a true and correct copy of the foregoing Motion on Consent to Extend Time to Answer has been sent by US Mail, postage prepaid, to counsel of record for Petitioners:

Douglas N. Masters, Esq.
Loeb & Loeb LLP
321 N Clark St Ste 2300
Chicago, IL 60654



Daniel I. Schloss